

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-31 are pending in the present application. Claims 1 - 31 are amended. Claims 1, 17, and 31 are independent claims.

Wrong Claims

Applicants respectfully submit that the Examiner acted on an incorrect set of claims when Examining the present application. Applicants letter of January 6, 2006 included a new set of claims attached to the Preliminary Examination Report as allowed under Article 19. Applicants' Representative spoke with Examiner on July 10, 2008 and confirmed that the Examiner acted on the originally filed PCT claims, and not the Article 19 claims, in the Office Action of January 29, 2008. Accordingly, Applicants respectfully submit that all currently pending rejections are moot and that the Office Action is improper.

Amendments

Applicants respectfully request entry of the above-listed claim amendments as a matter of right because there has not been a substantive action on the merits issued on the claims pending in the present application. Applicants further respectfully request a new non-final Office Action based on the above-amended claims.

Application No. 10/563,610
Amendment dated: July 25, 2008
Response to Office Action of January 29, 2008

Docket No.: 0365-0663PUS1

Conclusion

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendment, applicant believes the pending application is in condition for allowance. Thus, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

However, should the Examiner believe that any outstanding matters remain in the present application, the Examiner is requested to contact Applicants' representative, Naphtali Matlis (Reg. No. 61,592) at the telephone number of the undersigned in order to discuss the application and expedite prosecution.

Dated: July 28, 2008

Respectfully submitted,

By 
Michael K. Mutter WILLIAM TITLANS
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant